

**WRITTEN OFFICE ACTION
OF THE INTERNATIONAL
SEARCH AGENCY (INSERT)**

International File No.

PCT/AT2004/000424

Ad Item V.

1 Reference is made to the following document[s]:

- D1: DE 100 08 438 A1 (FRIEDRICH GROHE AG & CO. KG) August 30, 2001
(08/30/2001)
D2: EP-A-0 856 691 (HIRATA, MASAHIRO) August 5, 1998 (08/05/1998)
D3: US-A-5 111 994 (GONZALEZ ET AL) May 12, 1992 (05/12/1992)
D4: DE 901 160 C (UNILEVER N.V) January 7, 1954 (01/07/1954)
D5: DE 85 19 413 U1 (MOOCK, HANS-JUERGEN, 2000 HAMBURG, DE)
August 22, 1985 (08/22/1985)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the requirements of Article 33(1) PCT, because the subject of claim 1 is not novel in terms of Article 33(2) PCT.

Document 1 discloses (the references in parentheses refer to this document):

An aeration device with a flow body that is penetrated by at least one channel through which a fluid can flow with an inlet port and an outlet port. The aeration device has at least one gas channel with a gas intake and a gas outlet port for a gas to be mixed with fluid emerging from the channel. An inlet funnel is connected to the inlet port (drawing 3; column 2, paragraph 4; claim 4; *The flow rate is limited by the admixture of air*).

2.2 Document D2 likewise shows a flow limiter with a flow body that is penetrated by at least one channel through which a fluid can flow with an inlet port and an outlet port (column 9, paragraph 3; drawing 2A). In this case, water, as the fluid, is mixed with air, which is drawn in via inlet ports and mixed with the fluid via outlet ports. An inlet port 6 with a connected inlet funnel can be recognized in drawings 1A and 2A of D2.

The subject of claim 1 is therefore not novel (Article 33(2) PCT).

2.3 In consideration of the documents D3 (drawing 2), D4 (drawing 1) and D5 (drawing 1), the present application likewise does not meet the requirements of Article 33(1) PCT, because the subject of claim 1 is not novel in terms of Article 33(2) PCT.

3 INDEPENDENT CLAIM 7

- 3.1** The present application does not meet the requirements of Article 33(1) PCT, because the subject of claim 7 is not novel in terms of Article 33(2) PCT.

Document 1 discloses (the references in parentheses refer to this document):

A mount with an inlet port and an outlet port for a fluid, wherein the inlet port has a larger cross section than the outlet port (drawing 2). A flow rate limiter is arranged between the inlet port and the outlet port (drawing 2; claim 4).

- 3.2** The subject of claim 7 is not novel in terms of Article 33(2) PCT, since the features of the mount arise from document D2 (drawings 3A and 3B).
- 3.3** Drawing 2 and the text passage in column 2, paragraph 4 of document D3 likewise show the features of claim 7. Thus, it [claim 7] does not meet the requirements of the PCT in relation to novelty (Article 33(2) PCT).

4 INDEPENDENT CLAIM 18

- 4.1** The present application does not meet the requirements of Article 33(1) PCT, because the subject of claim 18 is not novel in terms of Article 33(2) PCT.

Document 1 discloses (the references in parentheses refer to this document):

A use for mixing water as the fluid and air as the gas (column 2, paragraph 4).

- 4.2** Documents D2-D5 likewise disclose a use according to claim 18.

5 INDEPENDENT CLAIM 19

- 5.1** The present application does not meet the requirements of Article 33(1) PCT, because the subject of claim 19 is not novel in terms of Article 33(2) PCT.

A process for mixing at least one fluid with at least one gas, wherein the flow of the fluid is reduced and its flow rate is increased, and the fluid is swirled and mixed with the gas, can be derived from document D1. Reference is made here to the following text passages of D1: Column 2, lines 24-30; column 2, lines 38-44.

- 5.2** The process of claim 19 can likewise be recognized from document D5 (page 2, page 5 paragraph 2 and page 7).

6 DEPENDENT CLAIMS 3-5, 8-10, 12-15, 20

Claims 3-5, 8-10, 12-15, 20 do not contain any features, which, combined with the features of any claim to which they refer, meet the requirements of the PCT in relation to novelty and inventive activity.

7 DEPENDENT CLAIMS 2, 6, 11, 16, 17

The combination of features contained in the dependent claims is neither known from the present state of the art, nor is it suggested by it.

Ad Item VII.

According to Rule 11.13 m) PCT, the same feature in the same application must be provided with the same reference number. This requirement is not met in the use of "AUN" for recess. This designation is used both for the flow rate limiter and for the mount (cf. drawings 5, 7-9).

The documents D1-D3 must be cited in the specification in order to meet the requirements of Rule 5.1 (a)(ii) PCT; the pertinent state of the art contained therein should be outlined briefly.

Ad Item VIII.

Claim 4 does not meet the requirements of Article 6 PCT because it is not clear.

According to claim 1, the channel has an inlet port and an outlet port, wherein an inlet funnel is connected to the inlet port. However, such a configuration of the channel contradicts the fact that the channel has a circular cylindrical design.